



General Assembly

## ***Amendment***

***January Session, 2021***

**LCO No. 9166**



Offered by:

REP. FISHBEIN, 90<sup>th</sup> Dist.

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To: Subst. Senate Bill No. 908

File No. 287

Cal. No. 498

***"AN ACT CONCERNING ACCESS TO CERTAIN PUBLIC  
EMPLOYEES BY THE EXCLUSIVE BARGAINING  
REPRESENTATIVE OF A PUBLIC EMPLOYER BARGAINING UNIT."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2021*) (a) Except as otherwise  
4 provided in this section, a public employer shall provide the exclusive  
5 union representative of a public employee union, in an editable digital  
6 file format, when reasonable and agreed to by the public employer and  
7 exclusive union representative, the following information if on file with  
8 the employer: Name, job title, department, work location, work  
9 telephone number and, subject to section 1-217 of the general statutes,  
10 the home address of any newly hired employee. The public employer  
11 shall provide the exclusive union representative such information,  
12 when reasonable, with-real time electronic transmission of new hire  
13 data but in no event later than ten days after such employee is hired or  
14 not later than the first pay period of the month following the hiring of

15 such employee. For purposes of this section, "public employer" means  
16 (1) "employer", as defined in section 5-270 of the general statutes, (2)  
17 "municipal employer", as defined in section 7-467 of the general statutes,  
18 and (3) local and regional boards of education.

19 (b) (1) Each public employer shall provide the exclusive union  
20 representative of a public employee union with access to its new  
21 employee orientations. The public employer shall give the exclusive  
22 union representative not less than seven days' written or electronic  
23 notice in advance of such an orientation, except a shorter notice may be  
24 provided in any instance where there is an urgent need critical to the  
25 public employer's operations. The exclusive union representative shall  
26 provide the public employer with the physical and electronic address  
27 regarding such notice annually by January thirty-first of each year. The  
28 structure, time and manner of such exclusive union representative's  
29 access shall be determined through a mutual agreement between the  
30 parties, subject to the provisions of this subsection. Nothing in this  
31 section shall require a public employer to hold an employee orientation  
32 if it is the custom and practice of the public employer not to do so.

33 (2) Upon request of the public employer or the exclusive union  
34 representative, the parties shall negotiate regarding the structure, time  
35 and manner of access by the exclusive union representative to a new  
36 employee orientation. Failure to reach agreement on such structure,  
37 time and manner of such access shall be subject to compulsory interest  
38 arbitration pursuant to this subsection. The failure of the public  
39 employer and exclusive union representative to reach agreement and  
40 the initiation of arbitration pursuant to this subsection shall not stay or  
41 otherwise prevent the public employer from proceeding with the  
42 employee orientation at issue.

43 (3) When negotiating access regarding a new employee orientation  
44 pursuant to subdivision (2) of this subsection, if a dispute has not been  
45 resolved within forty-five days after the first meeting of the parties or  
46 within sixty days after the initial request to negotiate was made,  
47 whichever is earlier, either party may make a demand for compulsory

48 interest arbitration. If such a demand is made, any procedure prescribed  
49 pursuant to the general statutes shall apply, except that the factors  
50 considered by the arbitrator shall be: (A) The ability of the exclusive  
51 union representative to communicate with the public employees it  
52 represents, (B) the legal obligations of the exclusive union representative  
53 to such public employees, (C) state, federal and local laws that are  
54 applicable to the employer and the employees, (D) stipulations of the  
55 parties, (E) the interests and welfare of the public and the financial  
56 condition and day-to-day operations of similarly situated public  
57 agencies, (F) the structure, time and manner of access of the exclusive  
58 union representative to a new employee orientation in comparable  
59 public agencies, including, but not limited to, access provisions in other  
60 memoranda of understanding or collective bargaining agreements  
61 containing such provisions, (G) the labor organization's need to  
62 meaningfully communicate through cost-effective and efficient means  
63 with the public employees it represents, and (H) any other factors that  
64 are normally or traditionally taken into consideration in establishing the  
65 structure, time and manner of access of the exclusive union  
66 representative to a new employee orientation.

67 (c) A public employer shall provide the exclusive union  
68 representative access to the public employees that such exclusive union  
69 representative represents. Such access includes, but shall not be limited  
70 to: (1) The right to meet with individual employees on the premises of  
71 the public employer during the workday to investigate and discuss  
72 grievances, workplace-related complaints, and other workplace issues,  
73 (2) the right to conduct worksite meetings during meal periods and  
74 during other paid or unpaid breaks, and before and after the workday,  
75 on the employer's premises, and (3) the right to meet with newly hired  
76 employees within the bargaining unit, without charge to the pay or  
77 leave time of the employees, for up to sixty minutes, within thirty  
78 calendar days from the date of hire.

79 (d) In addition to any labor organization's right to employee  
80 information pursuant to the laws of this state or any applicable  
81 collective bargaining agreement, beginning on January 1, 2020, every

82 one hundred twenty calendar days, unless more frequent or more  
83 detailed lists are required by an agreement between the parties, a public  
84 employer shall provide the exclusive union representative, in an  
85 editable digital file format when reasonable and agreed to by the parties,  
86 the following information for all negotiations: Each bargaining unit  
87 employee's name, job title, worksite location, work telephone number,  
88 date of hire, work electronic mail address and, if authorized by the  
89 employee via written authorization provided to the exclusive union  
90 representative, the employee's home address, home telephone number,  
91 personal cellular mobile telephone number and personal electronic mail  
92 address if on file with the public employer. Any written authorization  
93 required under this subsection may be revoked by the employee at any  
94 time and such authorization or revocation shall be provided to the  
95 exclusive union representative at either the physical or electronic  
96 address provided by such representative pursuant to subdivision (1) of  
97 subsection (b) of this section. Any exclusive union representative that  
98 obtains information pursuant to this subsection shall not disclose such  
99 information to any unaffiliated third party, excluding vendors the  
100 exclusive union representative may use for purposes of printing or  
101 disseminating communications to members concerning the collective  
102 bargaining agreement and related negotiations. It shall be a prohibited  
103 labor practice for the exclusive union representative to use or release the  
104 information obtained pursuant to this subsection for any purpose other  
105 than concerning the collective bargaining agreement and related  
106 negotiations. The provisions of section 36a-701b of the general statutes  
107 shall apply to any improper release of any personal information, as  
108 defined in said section, obtained by the exclusive union representative  
109 pursuant to this section. Nothing in this section shall limit the right of  
110 an employee to seek additional remedies in court or otherwise for an  
111 improper release of information obtained pursuant to this section.

112 (e) The exclusive union representative shall have the right to use the  
113 electronic mail systems of public employers to communicate with  
114 bargaining unit members regarding collective bargaining, the  
115 administration of collective bargaining agreements, the investigation of

116 grievances, other workplace-related complaints and issues and internal  
117 union matters involving the governance or business of the union. Any  
118 communications made pursuant to this section shall be subject to  
119 chapter 14 of the general statutes. The provisions of this subsection shall  
120 not limit the rights of a labor organization to communicate with public  
121 employees.

122 (f) Consistent with the provisions of subsection (c) of this section, the  
123 exclusive union representative shall have the right to use state and  
124 municipal government buildings and other facilities that are owned or  
125 leased by government entities to conduct meetings with bargaining unit  
126 members. An exclusive union representative shall have the right to hold  
127 such meetings at a reasonable time and place, provided the meetings do  
128 not interfere with the public employer's operations. Use of state and  
129 municipal government buildings and other facilities that are owned or  
130 leased by government entities pursuant to this subsection may be  
131 subject to customary and regular charges for such use, if any, as  
132 uniformly applied to other persons or entities, consistent with existing  
133 policies, if any, and as may be adopted or amended by the government  
134 entity.

135 (g) The requirements set forth in this section establish the minimum  
136 requirements for access to and communication with bargaining unit  
137 employees by the exclusive union representative and shall not prevent  
138 a public employer from granting the exclusive union representative  
139 greater access to or communication with public employees.

140 (h) Employees, including retired employees, of a public employer,  
141 may authorize deductions, consistent with state and federal law, to be  
142 made from their salaries, wages or retirement allowances for the  
143 payment of dues in, or for any other service, program or committee  
144 provided or sponsored by any employee organization or bona fide  
145 association whose membership is comprised, in whole or in part, of  
146 employees of the public employer and employees of such organization  
147 and which has as one of its objectives improvements in the terms or  
148 conditions of employment for the advancement of the welfare of such

149 employees.

150 (i) A public employer shall honor employee authorizations created or  
151 adopted by a labor organization for the deductions described in any  
152 form that satisfies the requirements of the Connecticut Uniform  
153 Electronic Transactions Act, sections 1-266 to 1-286, inclusive, of the  
154 general statutes, including, but not limited to, electronic and voice  
155 authorizations that meet the requirements of an electronic signature  
156 pursuant to said act.

157 (j) Public employers that provide for the administration of payroll  
158 deductions authorized by employees for employee organizations shall:  
159 (1) Rely on a certification from any employee organization requesting a  
160 deduction or reduction that such organization has and will maintain an  
161 authorization, signed by the individual from whose salary or wages the  
162 deduction or reduction is to be made. An employee organization that  
163 certifies that it has and will maintain individual employee  
164 authorizations shall not be required to provide a copy of an individual  
165 authorization to the public employer unless a dispute arises about the  
166 existence or terms of the authorization. The employee organization shall  
167 indemnify the public employer for any claims made by the employee  
168 for deductions made in reliance on that certification, and (2) direct  
169 employee requests to cancel or change deductions for employee  
170 organizations to the employee organization, rather than to the public  
171 employer. The public employer shall rely on information provided by  
172 the employee organization regarding whether deductions for an  
173 employee organization were properly canceled or changed, and the  
174 employee organization shall indemnify the public employer for any  
175 claims made by the employee for deductions made in reliance on such  
176 information.

177 (k) A labor organization or public employer shall only be liable to  
178 each other for any amounts improperly deducted pursuant to this  
179 section. No further damages or penalties shall be awarded by any public  
180 agency or court. Nothing in this section shall limit the right of an  
181 employee to bring a claim or seek any relief against either the public

182 employer or exclusive union representative for amounts improperly  
183 deducted.

184 (l) Notwithstanding any other provision of this section, a public  
185 employer shall be liable to a labor organization, without recourse to the  
186 employees, for the full amount of dues that such employer fails to remit  
187 to the labor organization, provided the labor organization has complied  
188 with the provisions of this section.

189 (m) If a dispute arises between the employee and the labor  
190 organization regarding the existence, validity or revocation of a payroll  
191 deduction authorization, the dispute shall be resolved through a  
192 prohibited labor practice proceeding pursuant to sections 5-272, 5-274,  
193 7-470, 7-471 and 10-153e of the general statutes, as applicable.

194 (n) A public employer shall not deter or discourage public employees  
195 or applicants for public employee positions from becoming or  
196 remaining members of an employee organization, or from authorizing  
197 representation by an employee organization, or from authorizing dues  
198 or deductions to an employee organization.

199 (o) It shall be a prohibited labor practice for a public employer to: (1)  
200 Encourage an employee to resign or decline to obtain membership in a  
201 labor organization, (2) encourage an employee to revoke authorization  
202 for a payroll deduction of dues to a labor organization, (3) knowingly  
203 aid any such effort by any other entity, and (4) permit use of the  
204 employer's electronic mail system by any entity to discourage  
205 membership in a labor organization or discourage authorization of  
206 payroll deduction of dues to a labor organization. It shall be a prohibited  
207 labor practice for an exclusive union representative to contact an  
208 employee who has advised the exclusive union representative, in  
209 writing or via electronic mail at the address provided in subdivision (1)  
210 of subsection (b) of this section that he or she no longer wishes to be  
211 contacted by the exclusive union representative, except that the  
212 exclusive union representative may continue to contact any such  
213 employee in order to comply with its duty of fair representation under

214 section 5-271 of the general statutes.

215 Sec. 2. Section 5-271 of the general statutes is amended by adding  
216 subsection (g) as follows (*Effective July 1, 2021*):

217 (NEW) (g) Notwithstanding the provisions of subsections (a) to (f),  
218 inclusive, of this section, any employee may opt out of membership of  
219 any employee organization.

220 Sec. 3. Section 5-280 of the general statutes is repealed and the  
221 following is substituted in lieu thereof (*Effective July 1, 2021*):

222 (a) If an exclusive representative has been designated for the  
223 employees in an appropriate collective bargaining unit, each employee  
224 [in such unit who is not a member of the exclusive representative shall  
225 be required, as a condition of continued employment, to pay to such  
226 organization for the period that it is the exclusive representative, an  
227 amount equal to the regular dues, fees and assessments that a member  
228 is charged] who has opted out of membership shall not be required to  
229 make any payment to the exclusive representative.

230 (b) Employers and employee organizations are authorized to  
231 negotiate provisions in a collective bargaining agreement calling for the  
232 payroll deduction of employee organization dues and initiation fees.  
233 [and for payroll deduction of the service fee described in subsection (a)  
234 of this section.]

235 Sec. 4. Subsection (a) of section 7-468 of the general statutes is  
236 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
237 *2021*):

238 (a) Employees shall have, and shall be protected in the exercise of, the  
239 right of self-organization, to form, join, not join or assist any employee  
240 organization, to bargain collectively through representatives of their  
241 own choosing on questions of wages, hours and other conditions of  
242 employment and to engage in other concerted activities for the purpose  
243 of collective bargaining or other mutual aid or protection, free from



244 actual interference, restraint or coercion."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2021</i>	New section
Sec. 2	<i>July 1, 2021</i>	5-271
Sec. 3	<i>July 1, 2021</i>	5-280
Sec. 4	<i>July 1, 2021</i>	7-468(a)